

CHAPTER 1. INTRODUCTORY PROVISIONS

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Article 1.1. Legal Provisions

Sec. 1.1.1. Title

The official title of this document is the Unified Development Ordinance for the City of Raleigh, North Carolina and is referred to throughout this document as "this UDO."

Sec. 1.1.2. Applicability

- A. This UDO applies to all land, buildings, structures, and uses located within the corporate limits and the extraterritorial jurisdiction of the City of Raleigh, North Carolina.
- B. To the extent allowed by law, the provisions of this UDO applies to all land, buildings, structures, and uses owned, leased, or otherwise controlled by any district, County, State, or Federal government agencies.

Sec. 1.1.3. Effective Date

This UDO was adopted on [insert date] and became effective on [insert date].

Sec. 1.1.4. Purpose and Intent

This UDO is adopted to preserve, protect, and promote the public health, safety, and general welfare of residents and businesses in the City. More specifically, this UDO is adopted to achieve the following objectives:

- A. Implement the policies and goals contained within officially adopted plans, including the Comprehensive Plan;
- B. Improve the built environment and human habitat;
- C. Conserve and protect the City's natural beauty and setting, including trees, scenic vistas, and cultural and historic resources;
- D. Ensure that new development conserves energy, land, and natural resources;
- E. Protect water quality within watershed critical areas, the general watershed areas of designated water supply watersheds and other watershed districts;
- F. Encourage environmentally responsible development practices;
- G. Promote development patterns that support safe, effective, and multi-modal transportation options, including auto, pedestrian, bicycle, and transit, and therefore minimize vehicle traffic by providing for a mixture of land uses, walkability, and compact community form;
- H. Provide neighborhoods with a variety of housing types to serve the needs of a diverse population;

- I. Promote the greater health benefits of a pedestrian-oriented environment;
- J. Reinforce the character and quality of neighborhoods;
- K. Remove barriers and provide incentives for walkable projects;
- L. Protect and promote appropriately located commercial and industrial activities in order to preserve and strengthen the City's economic base;
- M. Encourage compact development;
- N. Ensure that adequate facilities are constructed to serve new development;
- O. Provide for orderly growth and development of suitable neighborhoods with adequate transportation networks, drainage and utilities and appropriate building sites;
- P. Save unnecessary expenditures of funds by requiring the proper initial construction of transportation networks, sidewalks, drainage facilities and utilities; and
- Q. Provide land records for the convenience of the public and for better identification and permanent location of real estate boundaries.

Sec. 1.1.5. Relationship to the Comprehensive Plan

The Comprehensive Plan serves as the basic policy guide for development under this UDO. The policies and action items of the Comprehensive Plan may be amended from time to time to meet the changing requirements of the City in accordance with the standards and procedures in [Sec. 10.2.2.](#)

Sec. 1.1.6. Minimum Requirements

The requirements of this UDO are considered to be the minimum requirements for the promotion of the public health, safety and general welfare.

Sec. 1.1.7. Conflicting Provisions

- A. If any provisions of this UDO are inconsistent with similar provisions of State or Federal law, the more restrictive provision shall control, to the extent permitted by law.
- B. Conflicts and duplications among portions of this UDO shall be resolved in favor of the more stringent regulation.

Sec. 1.1.8. Severability

It is expressly declared that this UDO and each section, subsection, sentence, and phrase would have been adopted regardless of whether one or more other portions of the UDO are declared invalid or unconstitutional.

- A. If any section, subsection, sentence, or phrase of this UDO is held to be invalid or unconstitutional by a court of competent jurisdiction for any reason, the remaining portions of this UDO shall not be affected.
- B. If any court of competent jurisdiction invalidates the application of any provision of this UDO, then such judgment shall not affect the application of that provision to any other building, structure, or use not specifically included in that judgment.

Sec. 1.1.9. Ownership & Management of Common Elements

A. Applicability

- 1. This UDO requires common elements which are used for the benefit of multiple lots in a variety of its regulations, including, but not limited to:
 - a. Tree conservation areas for subdivisions two acres and greater in size (Sec. 9.1.4 A);
 - b. Shared stormwater control measures and devices (Sec 9.2.2 G);
 - c. Common open space (Sec 2.3.8 and Sec 4.7.2);
 - d. Outdoor amenity area (Sec 1.5.3 B);
 - e. Townhouse party walls;
 - f. Objects or improvements for a subdivision located on, under, in, or over public property or public street right-of-way which is subject to an encroachment agreement with a governmental entity; and
 - g. City greenways and permanently protected undisturbed open space areas (Sec 9.2.2 F 1.d).
- 2. Whenever any development contains a common element, whether named or not named in this section, a City Code Covenant is required.
- 3. For purposes of this section, it does not matter whether the common elements are owned by a homeowners' association or are governed by easements; in both instances, a City Code Covenant is required. An executed copy of the City Code Covenant shall be submitted to the Planning and Development Department prior to the recording of the final subdivision plat or prior to the issuance of building permits whichever event first occurs.

B. City Code Covenant

The City Code Covenant is a form instrument that can be found on the City's web portal. The contents of the City Code Covenant are:

- 1. Establishment of a homeowners' association;
- 2. Mandatory membership in the association for owners;
- 3. Association responsibility for expenditures, including liability insurance, taxes on common areas, maintenance of common elements, payment of assessments, utility charges, and management, enforcement and administrative expenses.
- 4. Association empowerment to levy assessments against lot owners;
- 5. Easements for access, parking and walkways granted to owners;
- 6. Limitations on conveying common space or elements;
- 7. Provisions for common party walls;
- 8. Perpetual access easements for immediately abutting buildings;
- 9. Maintenance of private streets (if any);
- 10. Perpetual rights of access for utilities and services;
- 11. Obligations for tree protection;
- 12. Limits on immunity and indemnification;
- 13. Restrictions on parking on private streets;
- 14. Limits within clear sight triangles;
- 15. Provisions for common ownership of water and sewer lines; and
- 16. Provisions regarding maintenance and planting in landscape easements.

C. Recording City Code Covenant

- 1. The City Code Covenant shall be recorded with the County Register of Deeds office where the property is located. By the end of the next business day following the recordation of the final subdivision plat, the developer shall provide the Planning and Development Department evidence of the recorded City Code Covenant.
- 2. In all other instances, evidence of the recorded City Code Covenant shall be presented to the Planning and Development Department no later than one day following the recording of the City Code Covenant.
- 3. No building permit will be issued for any portion of the development unless and until evidence of recordation of the City Code Covenant is first presented to the Planning and Development Department.

Sec. 1.1.10. Penalties and Remedies

Enforcement may be by any one or more of the following methods, and the institution of any action under any of these methods shall not relieve any party from any other civil or criminal proceeding prescribed for violations and prohibitions.

A. Equitable Remedy

The City may apply for any appropriate equitable remedy to enforce the provisions of this UDO.

B. Injunction

Enforcement may also be achieved by injunction. When a violation occurs the City may either before or after the institution of any other authorized action or proceeding, apply to the appropriate division of the General Court of Justice for a mandatory or prohibitory injunction commanding the defendant, or in the case of counterclaims the plaintiff, to correct the unlawful condition or cease the unlawful use of the property.

C. Order of Abatement

The City may apply for and the court may enter an order of abatement. An order of abatement may direct that buildings or other structures on the property be closed, demolished, or removed; that fixtures, furniture, or other movable property be removed; that improvements or repairs be made; or that any other action be taken that is necessary to bring the property into compliance with this chapter. Whenever the party is cited for contempt by the court and the City executed the order of abatement, the City shall have a lien, in the nature of a mechanic's and materialman's, on the property for the cost of executing the order of abatement.

D. Criminal

Violations of this UDO shall constitute a misdemeanor or infraction as provided by N.C. Gen. Stat. §14-4 and the maximum fine, term or imprisonment or infraction penalty allowed by law is hereby authorized.

Article 1.2. Zoning Map

Sec. 1.2.1. Establishment of Official Zoning Map

- A. The location and boundaries of zoning districts established by this UDO are shown and maintained as part of the City's geographic information system (GIS) under the direction of the Planning and Development Officer. The Zoning GIS layer constitutes the City of Raleigh's Official Zoning Map and is part of this UDO. All notations, references and other information shown shall have the same force and effect as if fully set forth or described in this UDO.
- B. At the direction of City Council, the Planning and Development Officer is authorized to revise the Official Zoning Map. No unauthorized person may alter or modify the Official Zoning Map.
- C. The Planning and Development Department must maintain digital or printed copies of the Official Zoning Map, and maintain records of superseded official maps.
- D. All changes to the Official Zoning Map of the City shall be identified by updating the original computer digital data of each change, together with the date of the change.
- E. When the City's extraterritorial jurisdiction is expanded, changes in the Official Zoning Map shall be identified by updating the original computer digital data with the date of the change.
- F. A hard copy of the data and changes to the data will be kept by the Planning and Development Department; all revisions to hard copies will be numbered, dated, and signed by the Planning and Development Officer.

Sec. 1.2.2. Interpretation of Map Boundaries

- A. In the event that any uncertainty exists with respect to the intended boundaries as shown on Official Zoning Map, the Planning and Development Officer is authorized to interpret the boundaries.
- B. Where uncertainty exists as to the boundaries of any zoning district shown on the Official Zoning Map, the precise location is to be determined as follows:
 1. Where a boundary line is shown as coinciding, binding along or superimposed upon a lot line, such lot line shall be deemed to be a boundary line.
 2. Where the location of a boundary line is indicated by a designated number of feet, that distance controls.
3. Where a boundary line is shown as within or binding along a street, alley, waterway, or right-of-way, the boundary line is deemed to be in the center of the street, alley, waterway, or right-of-way except in the cases where the edge of the street, alley, waterway, or right-of-way is designated as the boundary line.
4. Where a boundary line is shown as binding along a railroad track, or as being located a designated number of feet from a railroad track, or where the location of a boundary line may be scaled from a railroad track, the nearest rail of the track designated controls.
5. Where a boundary line is superimposed on a topographic elevation line, the precise location of the boundary line must be determined by field survey of the topographic elevation line, unless the topographic elevation has been relocated through grading subsequent to establishment of the boundary line.
6. Where a boundary line is shown and its location is not fixed by any of the rules above, its precise location shall be determined by the use of the scale shown on the map.

Article 1.3. Zoning Districts

Sec. 1.3.1. General Use Zoning Districts

The following general use zoning districts are established and applied to property as set forth on the Official Zoning Map.

Residential Districts

R-1	Residential-1
R-2	Residential-2
R-4	Residential-4
R-6	Residential-6
R-10	Residential-10

Mixed Use Districts

RX-	Residential Mixed Use
OP-	Office Park
OX-	Office Mixed Use
NX-	Neighborhood Mixed Use
CX-	Commercial Mixed Use
DX-	Downtown Mixed Use
IX-	Industrial Mixed Use

Special Districts

CM	Conservation Management
AP	Agricultural Productive
IH	Heavy Industrial
MH	Manufactured Housing
CMP	Campus
PD	Planned Development

Sec. 1.3.2. Conditional Use Zoning Districts

The following conditional use zoning districts are established and applied to property as set forth on the Official Zoning Map. Each conditional use district (bearing the designated CU on the Official Zoning Map) corresponds to a general use district. All zoning requirements that apply to the general use district are also applicable to the corresponding conditional use district unless adopted conditions are more restrictive.

Residential Districts

R-1-CU	Residential-1
R-2-CU	Residential-2

R-4-CU	Residential-4
R-6-CU	Residential-6
R-10-CU	Residential-10

Mixed Use Districts

RX-CU	Residential Mixed Use
OP-CU	Office Park
OX-CU	Office Mixed Use
NX-CU	Neighborhood Mixed Use
CX-CU	Commercial Mixed Use
DX-CU	Downtown Mixed Use
IX-CU	Industrial Mixed Use

Special Districts

CM-CU	Conservation Management
AP-CU	Agricultural Productive
IH-CU	Heavy Industrial
MH-CU	Manufactured Housing
CMP-CU	Campus

Sec. 1.3.3. Overlay Districts

The following overlay districts are established and applied to property as set forth on the Official Zoning Map.

-AOD	Airport Overlay District
-MPOD	Metro-Park Overlay District
-UWPOD	Urban Watershed Protection Overlay District
-FWPOD	Falls Watershed Protection Overlay District
-SWPOD	Swift Creek Watershed Protection Overlay District
-SHOD-1	Special Highway Overlay District -1
-SHOD-2	Special Highway Overlay District -2
-HOD-G	General Historic Overlay District
-HOD-S	Streetside Historic Overlay District
-NCOD	Neighborhood Conservation Overlay District
-TOD	Transit Overlay District

Article 1.4. Building Types

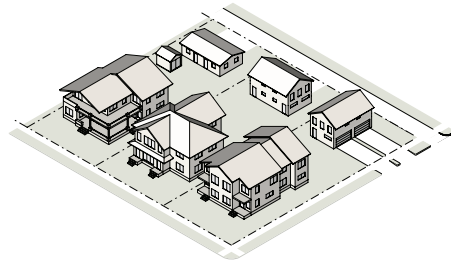
Sec. 1.4.1. Building Type Descriptions

The following building types have been established to allow for detailed regulation of the form within each zoning district. All graphic depictions of building types are for illustrative purposes only.



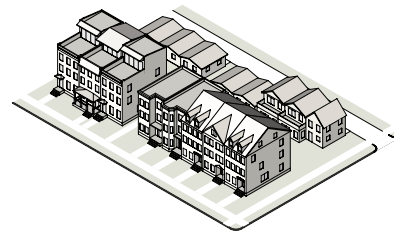
A. Detached House

A building constructed to accommodate one principal dwelling unit on a single lot. A series of detached houses as part of a cottage court may be located on a single lot. In a mixed use district, a detached house may be used for nonresidential purposes.



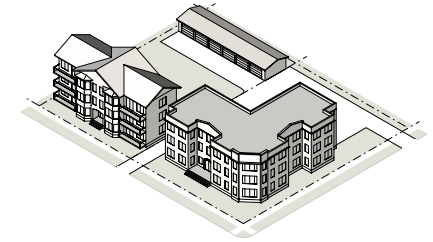
B. Attached House

A building constructed to accommodate two principal dwelling units on a single lot. A series of attached houses as part of a cottage court may be located on a single lot. In a mixed use district, an attached house may be used for nonresidential purposes.



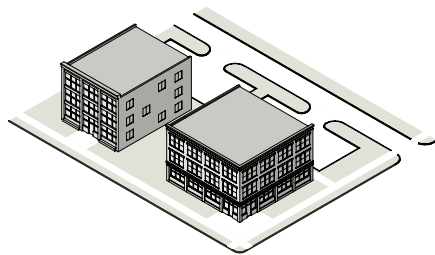
C. Townhouse

A building constructed to accommodate two or more dwelling units are horizontally integrated where each dwelling unit is separated vertically by a party wall. Units may be placed on individual lots, or the entire building may be placed on a single lot. In a mixed use district, a townhouse may be used for nonresidential purposes.



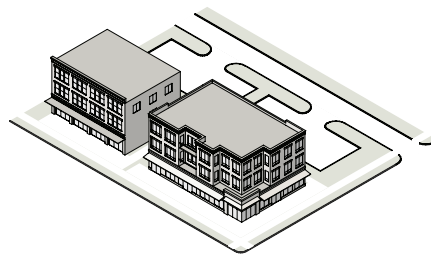
D. Apartment

A building constructed to accommodate three or more dwelling units that are vertically and horizontally integrated. A common kitchen is allowed. A limited set of nonresidential uses may be allowed in ground floor corner units in mixed use districts.



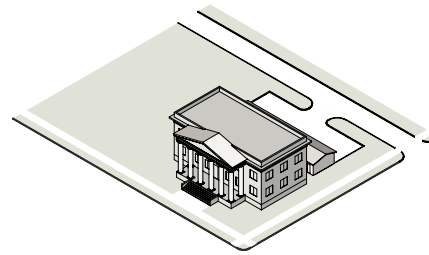
E. General Building

A building constructed to accommodate nonresidential uses on all floors.



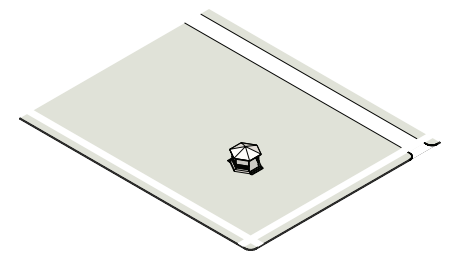
F. Mixed Use Building

A building constructed to accommodate ground floor retail and upper-story residential or office uses.



G. Civic Building

A building that exclusively accommodates civic uses.



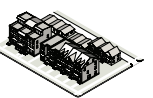

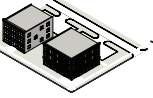
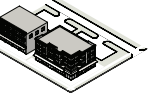
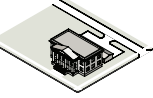



H. Open Lot

Open lots are used to accommodate uses with large outdoor or open areas. An open lot can also accommodate open space, parks or natural areas.

Sec. 1.4.2. Building Types Allowed by District

Building types are allowed by district as set forth below.

								
	Detached House	Attached House	Townhouse	Apartment	General Building	Mixed Use Building	Civic Building	Open Lot
Residential Districts								
Residential-1 (R-1)	■	--	--	--	--	--	■	■
Residential-2 (R-2)	■	□	--	--	--	--	■	■
Residential-4 (R-4)	■	□	□	--	--	--	■	■
Residential-6 (R-6)	■	■	□	□	--	--	■	■
Residential-10 (R-10)	■	■	■	■	--	--	■	■
Mixed Use Districts								
Residential Mixed Use (RX-)	■	■	■	■	--	--	■	■
Office Park (OP-)	--	--	--	--	■	■	■	■
Office Mixed Use (OX-)	■	■	■	■	■	■	■	■
Neighborhood Mixed Use (NX-)	■	■	■	■	■	■	■	■
Commercial Mixed Use (CX-)	■	■	■	■	■	■	■	■
Downtown Mixed Use (DX-)	■	■	■	■	■	■	■	■
Industrial Mixed Use (IX-)	--	--	--	--	■	■	■	■
Special Districts								
Conservation Management (CM)	--	--	--	--	--	--	--	■
Agricultural Productive (AP)	■	--	--	--	■	--	--	■
Heavy Industrial (IH)	--	--	--	--	■	--	--	■
Manufactured Housing (MH)	See Article 4.5							
Campus (CMP)	Allowed building types determined on master plan (see Article 4.6)							
Planned Development (PD)	Allowed building types determined on master plan (see Article 4.7)							
KEY: ■ = Building Type Allowed □ = Building Type Allowed as Part of an Approved Conservation Development -- = Building Type Not allowed								

Article 1.5. Measurement, Exceptions & General Rules of Applicability

Sec. 1.5.1. Site

A. Defined

A site is any lot or group of contiguous lots owned or functionally controlled by the same person or entity, assembled for the purpose of development.

B. Site Area

1. Gross

Gross site area is the total area of a site, including proposed streets or other land required for public use that is attributable to the site, as dedicated by the owner or predecessor in title.

2. Net

Net site area is the area included within the rear, side and front lot lines of the site. Does not include existing or proposed public streets.

C. Site Width

Site width is the distance between the side lot lines of the site (generally running perpendicular to a street) measured at the primary street property line along a straight line or along the chord of the property line.

D. Site Depth

Site depth is the distance between the front and rear property lines of the site measured along a line midway between the side property lines.

Sec. 1.5.2. Lot

A. Defined

A parcel of land either vacant or occupied intended as a unit for the purpose, whether immediate or for the future, of transfer of ownership, or possession, or for development.

B. Lot Area

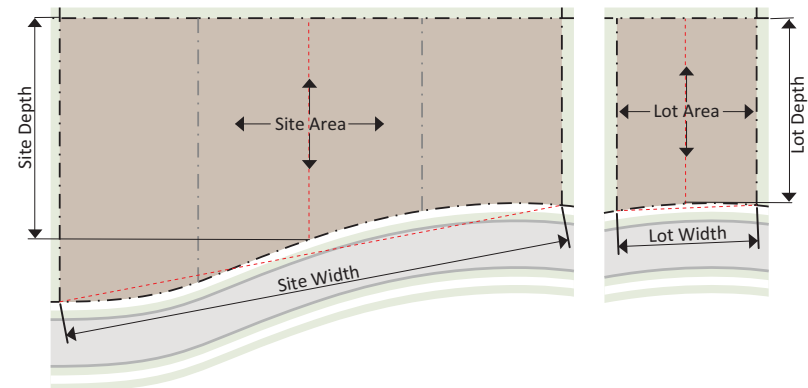
Lot area is the area included within the rear, side and front lot lines. It does not include existing or proposed right-of-way, whether dedicated or not dedicated to public use. District density applies, and may require larger lots than those required for an individual building type.

C. Lot Width

Lot width is the distance between the side lot lines (generally running perpendicular to a street) measured at the primary street property line along a straight line or along the chord of the property line.

D. Lot Depth

Lot depth is the distance between the front and rear property lines measured along a line midway between the side property lines.



E. Lot Width and Depth for Cul-de-Sac Lots

Any lot abutting a cul-de sac in a Residential District where the minimum lot width is not met at front property line must comply with the following:

1. The minimum lot frontage on a street shall be 20 feet (this dimension may be reduced upon approval of the Public Works Director if a common driveway or other form of shared access is provided); and
2. The minimum lot depth specified shall not be measured from the front property line, but instead measured beginning from the nearest point to front property line where the lot width equals the minimum lot width for the district. The minimum lot depth measured this way shall be 70 feet in R-1, R-2 and R-4, 60 feet in R-6, and 50 feet in R-10.

F. Density

1. Residential density is expressed in units per acre and is calculated by dividing the total number of dwelling units by the gross site area.
2. Although minimum lot sizes may allow additional units, density serves as the maximum number of units per acre.
3. For purposes of residential density calculations, accessory apartments and backyard cottages are not included as additional units.
4. Transfers are restricted to properties under the same ownership which are located outside any Watershed Protection Area and in the same development as the dedication for right of ways less than 60 feet in width.
5. A map showing the property and rights of way dedication shall be recorded in the Wake County Registry with an indication that the roadway dedication density allowance has been utilized for the particular property prior to recording any subsequent maps in the development.
6. No density transfer shall be allowed if the developer has executed a reimbursement contract.
7. The density transfer is applicable to all those portions of greenway dedicated after the effective date of this UDO, provided that the dedicators waive their statutory right to withdraw the dedication.
8. The dedicated greenway easement carries the residential density as shown on the Official Zoning Map for that location.
9. The dedicated transfer from CM District carries the residential density as shown on the residential district under the same development.

Sec. 1.5.3. Coverage

A. Building Coverage

Building coverage is the maximum area of a lot that is permitted to be covered by roofed buildings or structures. Building coverage does not include paved areas such as parking lots, driveways or pedestrian walkways.

B. Outdoor Amenity Area

1. Where outdoor amenity area is required in Chapter 3, it must be provided on-site and must be available for use by or as an amenity for the occupants, invitees and guests of the development.

2. Required outdoor amenity area may be met in one contiguous open area or in multiple open areas on the lot; however, to receive credit, the area must be at least 10 feet in width and length.
3. Required outdoor amenity area may be located at or above grade.
4. Required outdoor amenity area cannot be built, parked or driven upon, except for emergency access and permitted temporary events.
5. Required outdoor amenity area may be roofed but cannot be enclosed.

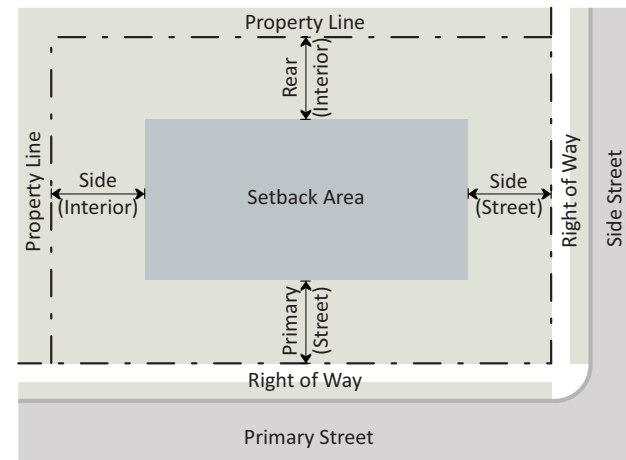
Sec. 1.5.4. Building Setbacks

A. Setback Types

There are four types of setback – primary street setback, side street setback, side setback and rear setback. Through lots are considered to have two primary street setbacks.

B. Measurement of Building Setbacks

1. Primary and side street setbacks are measured from the edge of the existing or proposed right-of-way.
2. Side setbacks are measured from the side property line.
3. Rear setbacks are measured from the rear property line or the edge of the existing or proposed right-of-way where there is an alley.



C. Multiple Street Frontage Lots

A multiple street frontage lot must designate at least one primary street. A lot may have more than one primary street. The Planning and Development Officer will determine which street is the primary street based on:

1. The street with the highest street classification;
2. The established orientation of the block;
3. The street abutting the longest face of the block;
4. The street parallel to an alley within the block; and
5. The street that the lot takes its address from.

D. Setback Encroachments

All buildings and structures must be located at or behind required setbacks, except as listed below. Underground structures covered by the ground may encroach into a required setback.

1. Building Features

- a. Porches, stoops, balconies, galleries and awnings as set forth in **Sec. 1.5.11.**
- b. Chimneys or flues may extend up to four feet, provided that such extension is at least two feet from the vertical plane of any lot line.
- c. Building eaves, roof overhangs and light shelves may extend up to five feet, provided that such extension is at least two feet from the vertical plane of any lot line.
- d. Bay windows, oriel, vestibules and similar features that are less than 10 feet wide may extend up to four feet, provided that such extension is at least two feet from the vertical plane of any lot line.
- e. Unenclosed fire escapes or stairways may extend up to four feet into a required side or rear setback, provided that such extension is at least five feet from the vertical plane of any lot line.
- f. Unenclosed patios, decks or terraces may extend up to four feet into a required side setback, or up to eight feet into a required rear setback, provided that such extension is at least five feet from the vertical plane of any lot line.

- g. Cornices, belt courses, sills, buttresses or other similar architectural features may project up to 1½ feet.
- h. Handicap ramps may project to the extent necessary to perform their proper function.

2. Mechanical Equipment and Utility Lines

- a. Mechanical equipment associated with residential uses, such as HVAC units and security lighting, may extend into a required rear or side setback, provided that such extension is at least three feet from the vertical plane of any lot line.
- b. Solar panels or wind turbines may extend into a required rear or side setback, provided that such extension is at least three feet from the vertical plane of any lot line.
- c. Rainwater collection or harvesting systems may extend into a required rear or side setback, provided that such extension is at least three feet from the vertical plane of any lot line.
- d. Utility lines located underground and minor structures accessory to utility lines (such as hydrants, manholes, and transformers and other cabinet structures) may extend into a required rear or side setback.

E. Other Setback Encroachments

1. Fence and walls under **Sec. 7.2.5.**
2. Signs under **Article 7.3.**
3. Driveways under **Sec. 7.1.9.**
4. Transitional and street protective yards under **Article 7.2.2.**

Sec. 1.5.5. Parking Setbacks

A. Parking Setback Types

There are four types of parking setback – primary street setback, side street setback, side setback and rear setback. Through lots are considered to have two primary street setbacks.

B. Measurement of Parking Setbacks

1. Primary and side street setbacks are measured from the edge of the existing or proposed right-of-way.

2. Side setbacks are measured from the side property line.
3. Rear setbacks are measured from the rear property line or the edge of the existing or proposed right-of-way where there is an alley.

C. Parking Not Allowed

On-site surface and structured parking must be located behind the parking setback line, where applicable. This requirement does not apply to on-street parking or apply to upper stories of a parking deck.

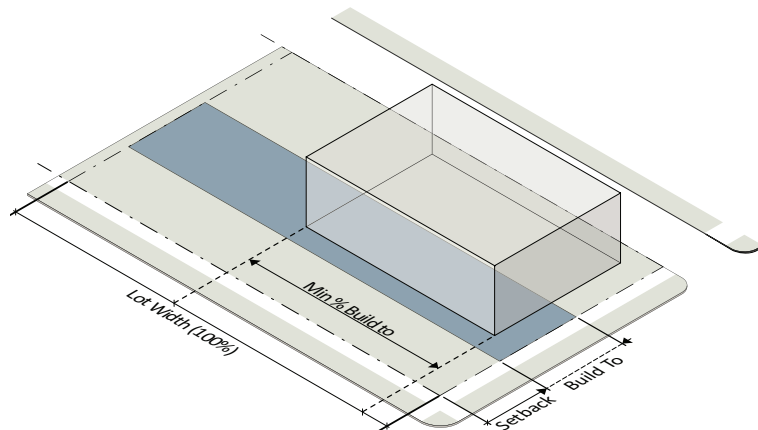
D. Parking in the Front Setback

For a detached house, attached house or townhouse located within a residential district and used for residential purposes, combined parking and driveway area shall not constitute more than 40% of the area between the front building facade and the front property line. Any parking in the front setback must have sufficient depth so that parked cars do not encroach on the adjacent sidewalk.

Sec. 1.5.6. Build-to

A. Defined

1. The build-to is the area on the lot where a certain percentage of the front building facade must be located, measured as a minimum and maximum setback range from the edge of the proposed or existing right-of-way.
2. The required percentage specifies the amount of the front building facade that must be located in the build-to, measured based on the width of the building divided by the width of the site or lot.



B. Intent

1. The build-to is intended to provide a range for building placement that strengthens the street edge along the right-of-way, establishing a sense of enclosure by providing spatial definition adjacent to the street.
2. The building edge can be supplemented by architectural elements and certain tree plantings aligned in a formal rhythm. The harmonious placement of buildings to establish the street edge is a principal means by which the character of an area or district is defined.
3. The build-to range is established to accommodate some flexibility in specific site design while maintaining the established street edge.

C. General Requirements

1. On corner lots, a building facade must be placed within the build-to for the first 30 feet along the street extending from the block corner.
2. With the exception of parking areas, all structures and uses customarily allowed on the lot are permitted in the build-to area.
3. Any common area is not required to meet the build-to requirements.

D. Administrative Alternate Findings

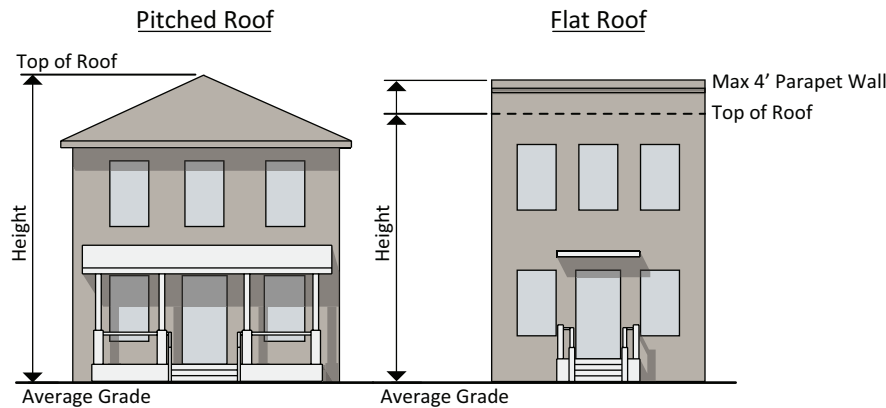
The Planning and Development Officer may in accordance with [Sec. 10.2.17](#) reduce the build-to requirement, subject to the following findings:

1. The approved alternate meets the intent of build-to regulations.
2. The approved alternate complies with the Comprehensive Plan and adopted City plans.
3. The approved alternate does not substantially negatively alter the character-defining street wall, nor establish a build-to pattern that is not harmonious with the existing built context.
4. The change in percentage of building that occupies the build-to area or increased set back does not negatively impact pedestrian access, comfort or safety.
5. Site area that would have otherwise been occupied by buildings is converted to an outdoor amenity area under [Sec. 1.5.3.B](#).

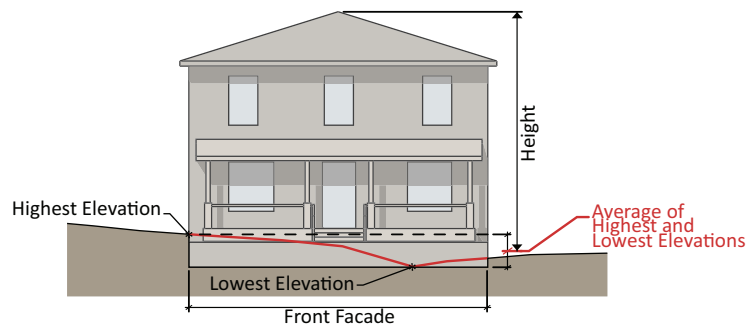
Sec. 1.5.7. Height

A. Building Height

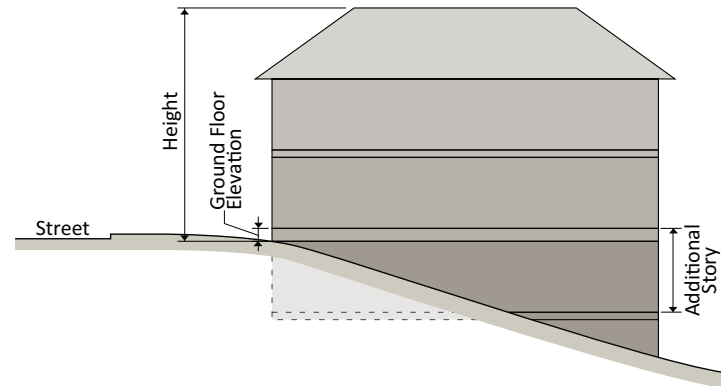
1. Building height is measured from average grade in both number of stories and feet to the top of the highest point of a pitched or flat roof, not including a maximum four-foot parapet wall encroachment.



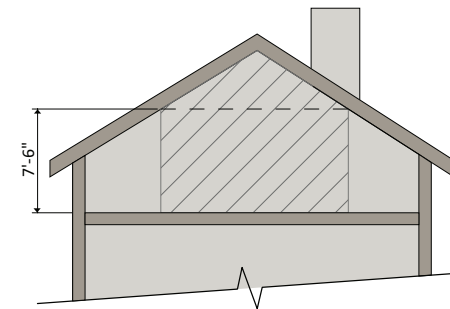
2. Average grade is determined by calculating the average of the highest and lowest elevation along pre-development grade or improved grade (whichever is more restrictive) along the front of the building parallel to the primary street setback. Where mass-grading has been approved by the City, average grade shall be considered the improved grade following such mass grading.



3. Where a lot slopes downward from the front property line, one story that is additional to the specified maximum number of stories may be built on the lower, rear portion of the lot.



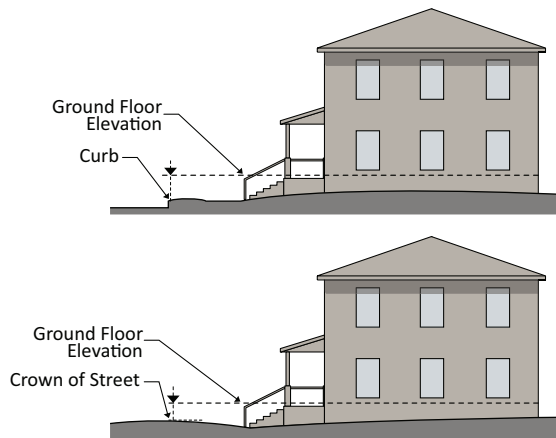
4. An attic does not count as a story where 50% or more of the attic floor area has a clear height of less than 7½ feet; measured from the finished floor to the finished ceiling.



5. A basement with 50% or more of its perimeter wall area surrounded by finished grade is not considered a story.

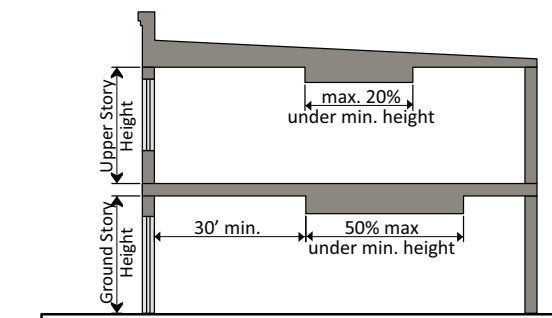
B. Ground Floor Elevation

Ground floor elevation is measured from the average curb level of the adjoining street, or if no curb exists, the average level of the center crown of the street to the top of the finished ground floor.



C. Story Height

1. Story height is measured from the top of the finished floor to the ceiling above.
2. Minimum ground story height applies to the first 30 feet of the building measured inward from the street facing facade. At least 50% of the ground story must meet the minimum ground story height provisions.
3. Where applicable, at least 80% of each upper story must meet the required minimum upper story height provisions.



D. Height Encroachments

Any height encroachment not specifically listed is expressly prohibited except where the Planning and Development Officer determines that the encroachment is similar to a permitted encroachment listed below.

1. The maximum height limits of the district do not apply to spires, belfries, cupolas, domes not intended for human occupancy; bell towers, monuments, water tanks/towers or other similar structures which, by design or function, must exceed the established height limits.
2. The following accessory structures may exceed the established height limits, except when located within an -AOD, provided they do not exceed the maximum building height by more than 12 feet:
 - a. Chimney, flue or vent stack;
 - b. Unenclosed deck, patio or shade structure;
 - c. Rooftop garden, landscaping;
 - d. Flagpole;
 - e. Parapet wall (limited to a maximum height of four feet);
 - f. Rainwater collection or harvesting system; and
 - g. Solar panels, wind turbines.
3. The following accessory structures may exceed the established height limits, except when located within an -AOD, provided they do not exceed the maximum building height by more than 12 feet, do not occupy more than 25% of the roof area, and are set back at least 10 feet from the edge of the roof:
 - a. Amateur communications tower;
 - b. Cooling tower;
 - c. Elevator penthouse or bulkhead;
 - d. Greenhouse;
 - e. Mechanical equipment;
 - f. Skylights;
 - g. Elevator or stairway access to roof; and
 - h. Tank designed to hold liquids, except as otherwise permitted.
4. An accessory structure located on the roof must not be used for any purpose other than a use incidental to the principal use of the building except for telecommunication facilities.

Sec. 1.5.8. Pedestrian Access

A. Intent

1. The street-facing entrance regulations are intended concentrate pedestrian activity at along street edge and provide an easily identifiable and conveniently-located entrance for residents, visitors and patrons accessing a building as pedestrians from the street.
2. Access points should be located or identified in a manner to be visible to the pedestrian from the street and accessible via a direct path.

B. General Requirements

1. An entrance providing both ingress and egress, operable to residents or customers at all times, is required to meet the street facing entrance requirements. Additional entrances from another street, pedestrian area or internal parking area are permitted.
2. The entrance spacing requirements must be met for each building, but are not applicable to adjacent buildings.
3. An angled entrance may be provided at either corner of a building along the street to meet the street facing entrance requirements.

C. Administrative Alternate Findings

The Planning and Development Officer may in accordance with [Sec. 10.2.17](#) allow a non-street-facing entrance, subject to the following findings:

1. The approved alternate meets the intent of the street-facing entrance regulations.
2. The approved alternate complies with the Comprehensive Plan and adopted City plans.
3. The pedestrian access point is easily identifiable by pedestrians, customers and visitors.
4. Recessed or projecting entries or building elements have been incorporated into the design of the building to enhance visibility of the street-facing entrance.
5. The pedestrian route from the street to the entrance is safe, convenient and direct.

Sec. 1.5.9. Transparency

A. Intent

The transparency requirements are intended to lend visual interest to street-facing building facades by providing views into and out of the building for both pedestrians and building occupants and minimizing blank wall areas.

B. General Requirements

1. The minimum percentage of windows and doors that must cover a ground story facade is measured between 0 and 12 feet above the adjacent sidewalk.
2. The minimum percentage of windows and doors that must cover an upper story facade is measured from top of the finished floor to the top of the finished floor above. When there is no floor above, upper story transparency is measured from the top of the finished floor to the top of the wall plate.
3. In a mixed use building, a minimum of 60% of the street-fronting, street-level window pane surface area must allow views into the ground story use for a depth of at least eight feet. Windows shall not be made opaque by window treatments (except operable sunscreen devices within the conditioned space).
4. Glass shall be considered transparent where it has a transparency higher than 80% and external reflectance of less than 15%.



C. Administrative Alternate Findings

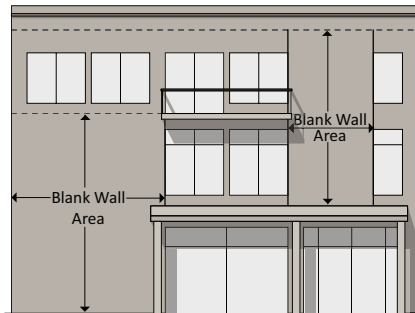
The Planning and Development Officer may in accordance with [Sec. 10.2.17](#) reduce the amount of required transparency, subject to the following findings:

1. The approved alternate meets the intent of the transparency requirements.
2. The approved alternate complies with the Comprehensive Plan and adopted City plans.
3. The street facing building façade utilizes other architectural treatments to create visual interest to offset the reduction in transparency.

Sec. 1.5.10. Blank Wall Area

A. Defined

1. Blank wall area means a portion of the exterior facade of the building that does not include a substantial material change; windows or doors; or columns, pilasters or other articulation greater than 12 inches in depth.
2. Substantial material change means a change between materials such as wood or simulated wood, brick, block, stone or stucco. Substantial material change should occur at an inside corner, where feasible. Paint color is not a substantial material change.



B. Intent

1. The blank wall area regulations are intended to prevent large, monotonous expanses of undifferentiated building mass adjacent to the street right-of-way.
2. The level of architectural detail should be most intense at the street level, where it is within view of the pedestrians on the sidewalk.

C. General Requirements

1. Blank wall area applies in both a vertical and horizontal direction.
2. Blank wall area applies to both ground and upper story primary and side street-facing facades.

D. Administrative Alternate Findings

The Planning and Development Officer may in accordance with [Sec. 10.2.17](#) approve additional blank wall, subject to the following findings:

1. The approved alternate meets the intent of the blank wall area regulations.
2. The approved alternate complies with the Comprehensive Plan and adopted City plans.
3. The increase in blank wall area is offset by additional architectural treatments and increased vertical landscaping.
4. The amount of blank wall area for buildings located on an urban frontage should not be more than 40%.

Sec. 1.5.11. Building Elements

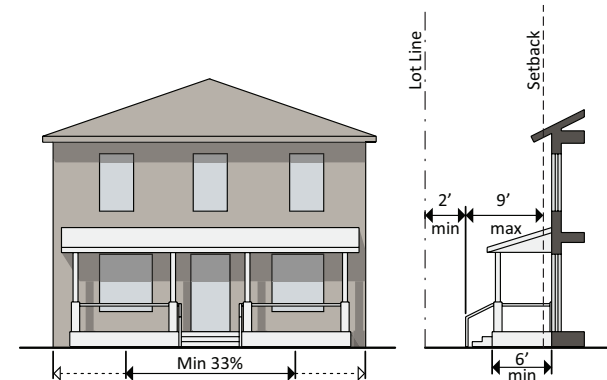
A. Intent

The standards in this section are intended to ensure that when building elements are provided, they are of sufficient size to be functional and are not too close to adjacent property lines.

B. Porch

A raised structure attached to a building, forming a covered entrance to a doorway.

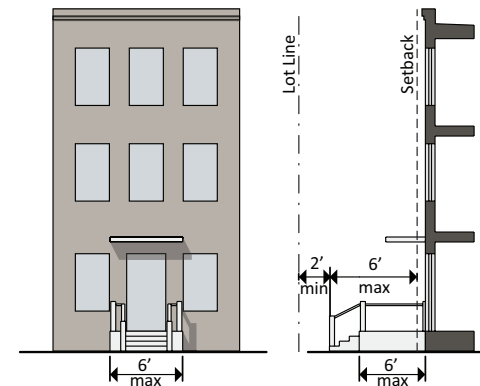
1. A porch must be at least six feet deep (not including the steps).
2. A porch must be contiguous with a width not less than 33% of the building facade from which it projects.
3. A porch must be roofed but cannot be fully enclosed.
4. A porch may extend up to nine feet, including the steps, into a required setback, provided that such extension is at least two feet from the vertical plane of any lot line.



C. Stoop

A small raised platform that serves as an entrance to a building.

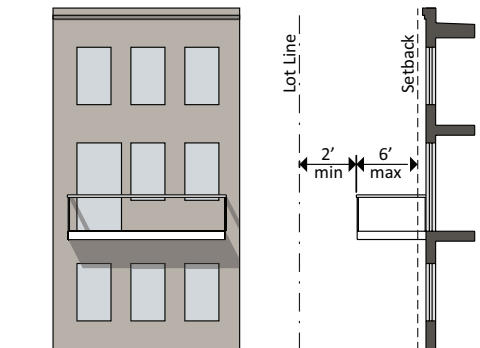
1. A stoop must be no more than six feet deep (not including the steps) and six feet wide.
2. A stoop may be covered but cannot be fully enclosed.
3. A stoop may extend up to six feet into a required setback, provided that the landing is at least two feet from the vertical plane of any lot line.



D. Balcony

A platform projecting from the wall of a building with a railing along its outer edge, often with access from a door or window.

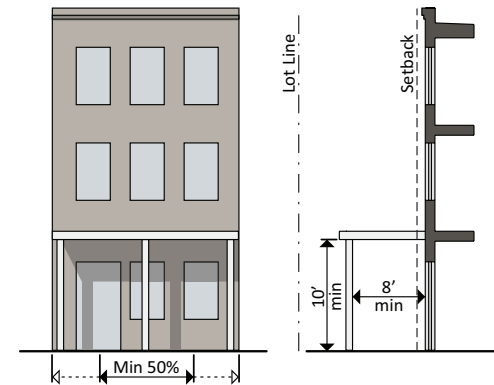
1. A balcony may extend up to six feet into a required setback, provided that such extension is at least two feet from the vertical plane of any lot line.
2. A balcony may be covered but cannot be fully enclosed.



E. Gallery

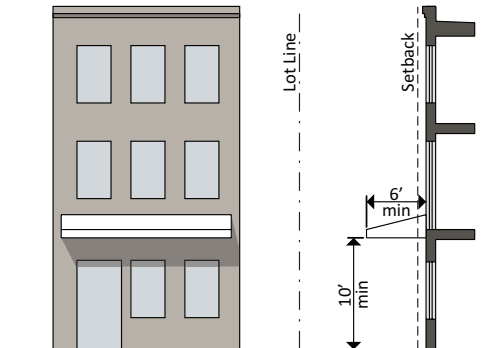
A covered passage extending along the outside wall of a building supported by arches or columns that is open on one side.

1. A gallery must have a clear depth from the support columns to the building's facade of at least eight feet and a clear height above the sidewalk of at least 10 feet.
2. A gallery must be contiguous and extend over at least 50% of the width of the building facade from which it projects.
3. A gallery may extend into a required street setback.
4. A gallery may not extend into any required side setback.

**F. Awning**

A wall-mounted, cantilevered structure providing shade and cover from the weather for a sidewalk.

1. An awning must be a minimum of 10 feet clear height above the sidewalk and must have a minimum depth of six feet.
2. An awning may extend into a required street setback.

**G. Right-of-Way Encroachment**

A building element may encroach into the right-of-way, provided a license for the use of the right-of-way is obtained from the City.

H. Administrative Alternate Findings

The Planning and Development Officer may in accordance with [Sec. 10.2.17](#) approve an alternate building element regulation, subject to the following findings:

1. The approved alternate meets the intent of the building element regulations.
2. The approved alternate complies with the Comprehensive Plan and adopted City plans.
3. The building element is of equal or greater area as the required building element, or otherwise provides equivalent functionality.
4. The approved alternate does not negatively impact pedestrian circulation.
5. Applicable North Carolina Building Code regulations are met.

Sec. 1.5.12. Private Residential Garage Parking Options

A. Intent

1. The intent of the residential garage options is to minimize the visual impact of street-facing garage doors.
2. Where garage doors can be seen from the street, measures should be taken to reduce the visual impact of the doors.
3. Measures include garage door setback from the front wall plane, architectural treatments, translucent garage doors, single doors, projecting elements over the garage door, such as bay windows and limits on the total number of doors that face the street.
4. Where garage doors are located perpendicular to the street, measures should be taken to reduce the visual impact of the side wall that faces the street. Measures include architectural treatments, changes in material, landscaping, vegetation or the installation of windows.

B. Applicability

1. Any private residential garage constructed after the effective date of this UDO must meet the standards of this section. Alternative compliance may be considered by the Planning and Development Officer, consistent with the intent of this section.
2. In addition to the standards provided below, attached and detached garages must meet all applicable requirements for either principal buildings or accessory structures as set forth in this UDO.

C. Administrative Alternate Findings

The Planning and Development Officer may in accordance with [Sec. 10.2.17](#) approve an alternate garage option, subject to the following findings:

1. The approved alternate meets the intent of the garage options regulations.
2. The approved alternate complies with the Comprehensive Plan and adopted City plans.
3. The approved alternate does not negatively impact pedestrian circulation and safety.
4. Measures are taken to mitigate the visual impact of the garage design.
5. The required garage setback is met.

D. Detached House and Attached House

On lots of less than one acre, garage placement must match one of the following standards.

1. Semi-Flush

- Garage doors are oriented towards the street.
- Garage doors must be positioned between 5 and 20 feet behind the front wall plane of the house (or any rear wall plane that adjoins a street), extending no more than 30% of the width of the house.

2. Recessed

- Garage doors are oriented towards the street.
- Garage doors must be positioned at least 20 feet behind the front wall plane of the house.

3. Side-Loaded

- Garage doors are oriented perpendicular to the front wall plane.
- Any wall of the garage must be located at least three feet behind the front wall plane of the house.

4. Carriage Court

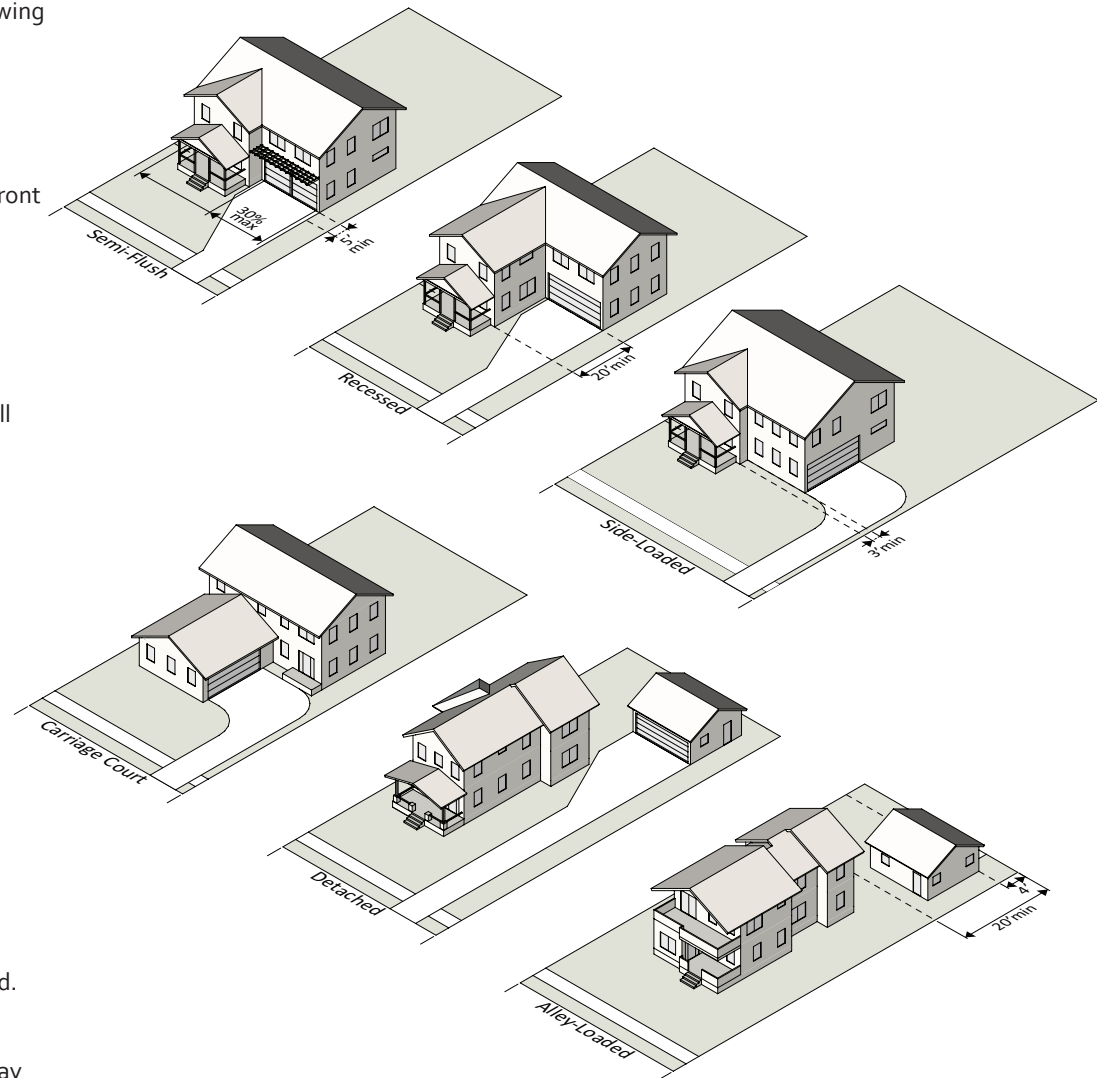
- Garage doors are oriented perpendicular to the front wall plane.
- Garage is located entirely in front of the house.

5. Detached

Garage is placed entirely to the rear of the house.

6. Alley-Loaded

- Garage is placed entirely to the rear of the house and is alley-accessed.
- Garage doors must face the alley.
- The garage must either be located four feet from the alley right-of-way or be a minimum of 20 feet from the alley right-of-way.
- Where parking spaces are located between the garage and the alley, the garage must be located at least 20 feet from the alley right-of-way.



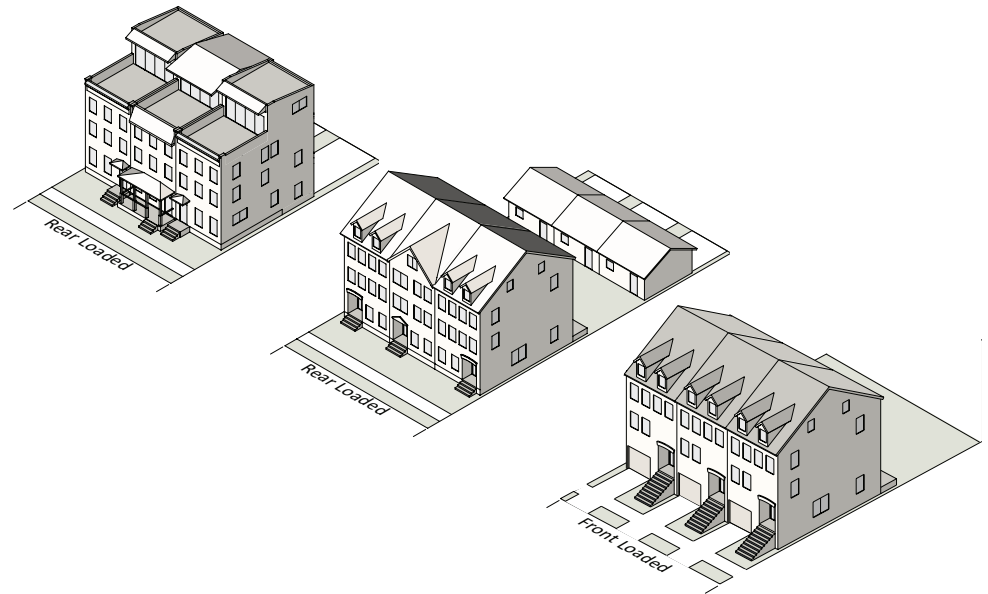
E. Townhouse

1. Rear-Loaded

- a. Garage is placed entirely to the rear of the townhouse and is rear-accessed. Garage can be attached or detached.
- b. Garage doors must face the alley or rear access drive.
- c. The garage must either be located four feet from the alley right-of-way or rear access drive or be a minimum of 20 feet from the alley right-of-way or rear access drive
- d. Where parking spaces are located between the garage and the alley or rear access drive, the garage must be located at least 20 feet from the alley or rear access drive.

2. Front-Loaded

- a. Garage doors may constitute no more than 50% of the width of the individual townhouse unit.
- b. Combined parking and driveway area shall not constitute more than 50% of the area between the front building facade and the front property line.
- c. Any parking in the front setback must have sufficient depth so that parked cars do not encroach on the adjacent sidewalk. The garage doors must be set back at least 20 feet from the sidewalk.
- d. Garage doors must be recessed at least one foot behind the front wall plane, or a second-story element over the garage doors must be provided that extends at least one foot beyond the front wall plane.



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